Scott. II-27—58,004—27-10-47.

Food (1948) Department.

M'S. SERIES.

Pamd

G.O. NO. 982.

Dated 1-11-48

Finds

[Despatch Abstract.]

Suits - Jaggery - S. Kanara Dt. Coondapur Taluk - Shirur Use. Transport outside Dt Obstruction by Chowkidars - O.S. 374-48 on File of Dy. Munsiff Coondapur - Suit by Annappa Shenigara - Defence Sanctioned.

Immediate.

BOARD OF REVENUE(CIVIL SUPPLIES)
Subject

CIVIL SUPPLIES--Jaggery--South Kanara District--Coondapur taluk Shiroor village--Transport outside the District--Obstruction by chowkidars--O.S.374/48 on the file of the District Munsiff Coondapur--Suit by Angappa Sheregara--Defence--Sanction. Request of

Ref.No.C3.134784/48(CS)dated 21.10.1948

From

V.S.HEJMADI ESQ.,I.C.S.,
Commissioner of Civil Supplies

SRI RAO SAHIB S.VIRUPAKSHA CHETTY, B.A.,
Deputy Commissioner of Civil Supplies

***

READ: From the Collector of South Kanara,Ref.C.No.14955/48 dated 8.10.1948

Submitted to Government.

2. In the circumstances reported by the Collector of South Kanara, the Board recommends that the Government may be pleased to sanction the Defence of the suit and also approve the draft written statement submitted by the Collector. The connected records are enclosed for reference and return.

FOR DEPUTY COMMISSIONER

s.n.21.10.
To The Secretary to Government, Food Department,Madras with encls.
Copy to the Collector of South Kanara,Mangalore

Secrt. II-27—58,004—27-10-47.

Food (1948) Department.

M/S SERIES.

Panel

G.O. NO. 982

Dated 1-11-48

Sanctioned

[Despatch Abstract.]

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CIVIL SUPPLIES--Jaggery--South Kanara District--Coondapur taluk Shiroor village--Transport outside the District--Obstruction by chowkidars--O.S.374/48 on the file of the District Munsiff Coondapur--Suit by Angappa Sheregara--Defence--Sanction. Request of

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Kalyanakrishnan 21.10.48

FOR DEPUTY COMMISSIONER

s.n.21.10.

To The Secretary to Government, Food Department,Madras with encls.
Copy to the Collector of South Kanara,Mangalore

21.10.48.

Copy of letter No.841 dated 20-9-1948 from the Government Pleader, Mangalore, to the Dt.Collector, South Kanara.

Sub: SUITS - O.S.No.374/48 on the file of the Dt.Munsiff, Coondapur - Civil Supplies - Jaggery - Coondapur Taluk - Shirooor Village - - Transport out-side the district - Obstructions by the Chowki--dars - Suits filed by Sri Annappa Sheregara - Draft written statement scrutinised and papers returned.

Ref: C.No.14955-48-A3 dated 11-9-1948.

****

I have perused the draft written statement and I have made slight changes- In other respects the statement is correct.

2. The decision of the suit depends upon the facts proved. If the Government is able to prove that the plaintiff has taken away the jaggery, the suit will have to fail. Otherwise the Govdrnment might be liable for the misfeasance or the non-feasance of its subor--dinates. One cannot be happy about the actions of the Baindur --- Police. Several things have gone by default. No complaint was regss--tered immediately. There was no report from Potel till 19-1-1943. Hence, it will be a difficult task for the Court to decide whether the plaintiff has come up with a false case to meet a charge of theft or the Chowkidars have come up with a false story.

3. In plaint, para 3 the plaintiff says that he has sent a telegram to the Collector and the Collector had sent him a reply. The written statement in para 12 has denied this averment. The records do not help me to find out whether the facts stated in the plaint is correct. Please ascertain. Papers returned.

I remain, etc.
Sd/----------
Govt.Pleader.

/True copy/

3/2

For Collector.

15.10.48

IN THE COURT OF THE DISTRICT MUNSIFF OF COONDAPUR.

Original Suit No.374/1948.

Between:

Annappa Sheregara. .. Plaintiff.

and

The Province of Madras & others. .. Defendants.

Written statement of the first defendant under Order 8, Rules 1 and 2 of the C.P.C.

The first Defendant begs to state as follows:

1. That the plaintiff's suit is frivolous, vexatious and unsustainable in law.

2. That this defendant is not aware of any contract made by the plaintiff with any merchant at Bhatkal for the sale of 500 maunds of jaggery deliverable by 5-1-1948.

3. That it is a fact that when plaintiff was transferring 22 bags of jaggery in 2 carts, the Chowkidars at Shiroor, defend-ants 3 and 4, seized the jaggery and also the carts and the --- bullocks. But this defendant does not admit that the bags contai-ed 125 maunds of jaggery.

4. That this defendant denies that the said jaggery was s to the Police station with Defendant No.3. This defendant unde-stands that defendants 3 and 4 who were chowkidars appointed by the Government to prevent smuggling of controlled goods, as soon the said carts arrived at the chowki with the jaggery, in good faith, sized the carts and bullocks with the jaggery under a yada and took them to the Chowki. That the carts with the jaggery were entrusted to the third defendant for the purpose of taking to the Baindur Police Station and the third defendant asked the cartmen to drive the carts to the Police Station, they said that t cannot do it in the hot sun and that they would do it in the eve-ing.

5. That this defendant further understands that in the ev-ing when the cartmen were again asked to drive the carts they refused to do so. So, the third Defendant left the carts and ja-gery in the custody of the fourth defendant and went to Baindu to seek police aid. That sometime after 3rd defendant left, the plaintiff came there with Shirur Shridhar Prabhu and Uppunda De-raya and threatened the 4th Defendant to give back the sizures and when he refused , they forcibly removed the seizures to Bha breaking open the Chowki-gate.

6. That this defendant learns that it is not at all true that the articles seized are either with defendants 3 or 4 or with any of the defendants. Those articles have been taken forcible pos-session of by the Plaintiff and his partisans for which a crimi-nal complaint has been filed against the plaintiff and others.

7. That this defendant denies all the allegations made in para 6 of the plaint. After the ban on movement of jaggery etc was removed, intimation has to be given to all concerned persons and departments in due course and those concerned departments also have to inform their subordinates and so on. Naturally, it takes some time to communicate the said orders to all their subordinates including the Chowkidars. This defendant learns that when the defendants 3 and 4 seized the cart and bullocks with the jaggery they acted in good faith.

8. That it is true that plaintiff having come to know th action was being taken against him for illegally removing the seized articles came forward with two petitions - one to the -lector and the other to the Tahsildars of Coondapur. For the offence committed by the plaintiff, a complaint has been filed

before the Stationary Sub-Magistrate,Coondapur, which is pending enquiry.

9. That the said petitions were duly enquired into and the result of the enquiry showed that the plaintiff having taken --- forcible possession of the goods has come forward with false pet i--tions.

10. That the defendant denies that there prevails any ~~a~~ chaotic condition in the department of this defendant.

11. That the plaintiff is not entitled to claim ~~to claim~~ -- either the price of jaggery or any amount by way of damages. This defendant denies that plaintiff has suffered any damage under any circumstance the price of jaggery and the amount of damages claim--ed is excessive.

12. [That since defendants 3 and 4 acted in good faith in -- seizing the goods,] this suit is not maintainable under Section 17 of the Defence of India Act. From the Enquiry held this defend--ant learns that the allegation in plaint para 6 that the Chowk--dars and Shanbhogue under guise of their office had been trying to make as much as possible illegally, is not true. The plaintiff sent a telegram dated 9-12-1947 and in reply was informed that export of jaggery outside the Dominion was still prohibited.

13. This defendant does not admit that at the time of seizure there was no enforcable ban on movement of Jaggery from one Province to another as this defendant understands that the said ban was ac--tually removed by the Collector of South Kanara on 7-1-1948.

14. [Under any circumstance, this defendant is not responsible for the actions of Defendants 4 and 5.]

15. That the suit as framed is not maintainable. Therefore, this defendant prays that the plaintiff's suit may be dismissed with costs.

Collector.

I, S. R. Kaiwar, ICS., Collector of South Kanara, do hereby declare that what is stated above is true to the best of my know--ledge and belief.

Collector.

/True Copy/

For Collector.

In the Court of the District Munsif of Kundapur.

O.S.No.374/1948.

Annappa Sheregara. Plaintiff

versus

1.The Province of Madras represented by the Collector of South Kanara.

2.Vinayakayya.
3. Devappayya.
4.Thimmappayya

Defendants

The plaintiff abovenamed begs to state as follows:-

1.Annappa Sheregara, son of Patabagilu Govinda Sheregara, residing in Paluvari village, having a shop at Byndoor, trader by profession, Coondapur Taluk, post Byndoor. — Plaintiff

2.1.Province of Madras represented by Collector of South Kanara, Mangalore.
2.Vinayakayya, son of Vishwanathayya Shanbouge of Shiroor, residing in Shiroor village, Coondapur Taluk, Post Shiroor.
3.Devappayya } Chowkidars appointed by
4.Thimmappayya. } Government residing in Shiroor border, Shiroor village, Coondapur Taluk, Post Shiroor. — Defendants.

3. The plaintiff is a merchant, carrying on trade business in Byndoor village, Coondapur Taluk. That plaintiff came to know of the removal of ban by the Government with regard to movement of jaggery from one Province to another and wanted a confirmation about it ffom defendant No.1. Accordingly in order to make the position clear the plaintiff wired to the Collector seeking information for which he replied that all prohibition with regard to movement of jaggery within Indian Dominion has been removed. There was also free shipment of jaggery and both the Port Officer and Customs authorities were allowing free shipments. Having regard to these the plaintiff contracted with a merchant at Bhatkal for the sale of 500 maunds of jaggery deliverable within 5.1.1948. That accordingly he sent two cartloads of jaggery one cart containing 10 bags each of six maunds and the other 12 bags of which 5 or 6 maunds and seven of five maunds in all 125 maunds of jaggery.

6/- That while the carts with jaggery reached the border of Province, the chowkidars, defendants 3 and 4 in connivance with defendant No.2 seized the jaggery in the two carts by means of a pretext dated 31.12.1947 and sent it to the Police Station with defendant No.3. They also threatened the cartmen that they would be arrested. For the protests by the plaintiff the defendants 2 to 4 said that they have no orders from the higher authorities and hence the plaintiff and the cartmen are guilty of the offences.

5/. That the plaintiff wanted to file a ptition with the Tahsildar on 31.12.1947 but the office was closed. On 3.1.1948 he filed a petition with the Tahsildar to release the goods illegally seized. He also sent an application to the Collector of

South Kanara to order release of the goods urgently and that the Government is liable for acts of misfeasance and nonfeasance. No reply was sent nor any order to release the goods Instead on 14.2.1948, the then Tahsildar of Coondapur issued a notice to the plaintiff that goods have been forcibly taken by the plaintiff, that if he does not satisfy the Tahsildar within seven days, why goods seized were taken illegally suitable action would be taken against him.

6. This is the chaotic state of affairs in the Departments of the 1st defendant. Though ban on movement of jaggery was removed, the 1st defendant the Collector-of and Tahsildar representatives of Government do not send orders diligently and in time to the chowkidars and the others concerned to allow free ingress and egress of jaggery and not to hinder movement. On the other hand the then Collector seems to have ordered not to inform the chowkidars for some time. That the chowkidars and the shanbhogue under guise of their office had been trying to make as much as possible illegally under such conditions created by the officers concerned. It was a pity that for applications for release release of goods filed, not only no action is taken but a month and a half later threats to plaintiff are sent. Instead of diligence we find indolence and accepting false statements of defendants 2 to 4. One would certainly expect that if there had been a forcible removal the whole Government machinery would have been at work against plaintiff and he would have been convicted.

7. The plaintiff's requests having failed the plaintiff is constrained to take necessary action. That the price of 125 maunds of jaggery at Rs.5-8-0 per maund the then prevailing rate and the rate at which plaintiff had contracted is Rs.687-8-0. That on account of the defendants' action the plaintiff could not fulfil his contract and for days after that movement of jaggery was not allowed. That on that account plaintiff had to suffer damages to the extent of Rs.500/-. The plaintiff sent a registered notice to the 1st defendant represented by the Collector of South Kanara and also 2nd defendant calling upon them to pay up the damages and the price of jaggery seized for which the defendants have turned a deaf ear. The plaintiff is therefore constrained to bring this suit for necessary reliefs. As defendants 2 to 4 are responsible for seizure of the goods they are also added as parties.

8. The cause of action for this suit arose on 31-12-1947 at Shiroor a place within the jurisdiction of this court.

9. The plaintiff values this suit at Rs.1097-8-0 both for purposes of Court Fees and jurisdiction. A Court fee of Rs.119-15-/ is paid under Article I schedule I Sec. 7(i) of the Court Fees Act.

10. The plaintiff therefore prays for a decree and judgement; --

1. Directing defendants to pay plaintiff Rs.687-8-0 the cost of jaggery seized Rs.500/-. damages incurred by the plaintiff on account of the loss mentioned above of which plaintiff claims only Rs.400/-.	Rs.1087-8-0

P.T.O.

2. Cost of registered notice; Rs.10--0--0

Total. Rs.1097-8--0

Granting plaintiff a decree for the above amount and cost of this suit with interest on the above and cost from this date till realisation.

Dated 15-7-48.)
Goondapoor.) Sd. xx xx xx
Plaintiff.

I, the plaintiff abovenamed do hereby declare that what is stated above in para 1 to 10 are true to my knowledge.

Goondapoor)
15-7-48.) (TRUE COPY)

South Kanara Collector's Office,)
Mangalore, Dated 29-7-48.) /By order/

Huzur Sheristedar.

Copy of letter No.Ref.C.No.14955/48/A3 dated 8-10-48 from the Collector of South Kanara to the Commissioner of Civil Supplies.

Sir,

Subject..O.S.374/48 on the file of the District Munisiff of Coondapoor..Civil Supplies..Jaggery..Coondapoor Taluk..Shiroor Village..transport outside the district..obstruction by the Chowkidars..suit filed by Sri Annappa Sheregara..Defence..sanction sought.

I enclose a copy of the plaint filed by one Annappa Sheregara in the Court of the District Munisiff of Coondapoor together with a copy of the draft written statement prepared by the Pleader for Government, Coondapoor and scrutinised by the Government Pleader Mangalore. The facts of the case are detailed at pages 1 -4 of the note file contained in this office D.Dis.6194/48 dated 4--6--48.

2. A complaint has been filed by the Tahsildar, Coondapoor against the plaintiff Annappa Sheregara for having forcibly removed the Jaggery seized by the Chowkidars and the case is pending disposal in the Court of the Stationery Sub Magistrate Coondapoor.

3. Now, the notice giver has recourse to a civil suit against the Government. The opinion of the Government Pleader is contained in his letter dated 20--9--48 a copy of which is enclosed. I request that the Board may be pleased to accord sanction for the defence of the suit and to approve the Draft Written statements submitted herewith.

4. The suit summons was received in this office on 29-7-48 and the suit stands posted to 25-10-48 for filing the written statement of the Government.

5. The records mentioned below are also sent herewith for reference and return.

1. This office D.Dis.6194/48 dated 4--6--48 (A)
2. This office L.Dis.15214/47 dated 7-1-48 (B)
3. The records of C.No.32/48 of the Taluk office, Coondapoor. (54 pages) (BCT)

True Copy.

Superintendent.

Food Dept.(G)

Sub:SUITS - Jaggery - South Kanara District - Coondapur taluk - Shiroor village - Transport outside district - Obstruction by chowkidars - O.S.374/48 on file of District Munsiff, Coondapur - Suit by Annappa Sheregara - Defence - Sanctioned

Read: From the Bd. of Rev.(CS) No.C3.134784/48 CIVIL SUPPLIES, dated 21/10/1948.

ORDER NO. MS. 982 DATED 1 - 11 - 48

His Excellency the Governor of Madras sanctions the defence of the Province of Madras in Original Suit No.374 of 1948 on the file of the District Munsiff, Coondapur.

2. The draft written statement forwarded by the Collector of South Kanara is approved subject to the following remarks:-

(i) Paragraph 7 of the draft written statement should be recast as follows and the plea of good faith on the part of defendants 3 and 4 may be left to be raised by them -

"That this defendant duly communicated to all Collectors without any delay [~~whatever a copy of G.O.Ms.No.1351 Food dated 22-12-1947~~ the orders] lifting the ban on movement of jaggery and is not responsible for the negligence if any on the part of its subordinates in communicating the orders to the Chowkidars, defendants 3 and 4 herein."

(ii) The ~~portion "that ... goods"~~ opening words "That since defendants 3 & 4 acted in good faith in seizing the goods" in paragraph 12 should be omitted.

(iii) The reference to section 17 of the Defence of India Act in paragraph 12 should be replaced by a reference to section 16 of the Essential Supplies (Temporary Powers) Act, 1946 (Cantral Act XXIV of 1946).

(iv) Paragraph 14 should be recast as follows:-

"In any event this defendant is not liable for any improper acts of defendants 2 to 4 as such actions, if any, were not done under the express orders of this defendant and were not ratified or adopted by this defendant subsequently."

3. The Collector of South Kanara is requested to take necessary steps in consultation with the Government Pleader to defend the suit and to report the result of the same to Government in due course.

[For address entries vide ... p. below]

To The Collector of South Kanara. (~~with draft written statement at pages 5 & 6, ante~~ in original).

Copy to the Govt. Pleader, Mangalore thro' The Collector of South Kanara.

The Bd. of Rev. (CS), Madras.

The Legal Dept.

The A.G. thro' Fin.

The Finance Dept.

S.F.

(N.B.

A copy of the ~~draft written~~ statement ~~should~~ be taken for ~~adding~~ to the file.)

26/11/48

Dy. Secy. 2/11/48

Food Dept (Cy)

Memo No: 46470/Cy/48-3 Dated 4.xi.48

Sub:- Suits - South Kanara District - Os. 374/48 - Defence of the Province of Madras - Sanctioned - Records - Returned.

Ref:- 1. From the Bd of Rev (CS) No C3. 134784/48 es dated 21.x.48

2. Cro. Ms. No: 982. Food dt 1.xi.48

The following records ~~in original sent to Govt with the Bd reference first cited~~ herewith are returned to the Bd of Rev (CS). Their receipt should be acknowledged.

1. Collector of S. Kanara's D.Dis 8194/48 dt 4.6.48
2. — DO — L. Dis 15214/47 dt 7.1.48.
3. The records of Cro. 32/48 by the Taluk Sheristadar, Coondapur (54 pages) Statements. (Pages 1-54)

LR 4.11.48

To

The Bd of Rev (CS) (With Records) (The receipt thereof may be acknowledged)

NR 20 x 1 48

(A) (B) (BBB)

Issue of B x 48 - 1 Cy Receipt

Papers with enclosures 5/11/48

Para 1 Bill 2 = 3x148 = 3 items

BOARD OF REVENUE (CIVIL SUPPLIES)

Abstract:

CS - South Kanara district - C.S.No.374/48 - Defence of the Province of Madras - Original records of the Collector of South Kanara - Receipt - acknowledged.

Board's Ref.134784-C3/48 (CS)
Dated 8--11--1948.

From

V. S. Hejmadi, Esquire, I. C. S.,
Commissioner of Civil Supplies.

49259

N. S. Mani, Esquire, I. C. S.,
Secretary to the Commissioner of Civil Supplies.

Read: Government Memo No.46470-G/48-3, Food, dated 4-11-48.

The receipt of the original records of the Collector of South Kanara sent as enclosure to the Government memo cited is acknowledged.

May be lodged & added to the previous papers in Go. Ms. No. 982 Food 1-11-48.

for Secretary.

To: The Secretary to Government, Food Department, Madras.
PHS91148.

N.15

Food Department (G)

Sub: Suits - Suit filed by Sri Annappa Sheregara, merchant, Byndoor village, Coondapur taluk, South Kanara District for obstruction by Chowkidars of jaggery being transported outside the District - O.S.374/48 on the file of the District Munsiff of Coondapur - Defence of suit - Sanction of -Board's Proposal.

Ref: From the Bd. of Rev. (C.S.) No.C3.134784/48 (CS) dated 21/10/1948.

To A.S.

The Board's reference at p. 1 c.f. with enclosures thereto at pp. 3-11 c.f. may be perused.

The proposal for consideration in this file is whether sanction should be accorded to the Defence of the Province of Madras represented by the Collector of South Kanara and others in O.S.No.374/48 on the file of the District Munsiff. The plaintiff Sri Annappa Sheregara, merchant, Byndoor village, Coondapur Taluk, South Kanara district has filed a suit claiming for decree directing the defendant (Government) to pay him the cost of 125 maunds of jaggery seized by the two chowkidars on duty at Sheroor chowki post at 6 A.M. on 31/12/47, while the jaggery was being transported across the District border and also the damages said to have been sustained by him therefore amounting in all to Rs. 1,097/8/- as detailed at 'X' on pp. 9-11 c.f.

The connected records of the case are at flag 'A' 'B' and 'BBB' The facts of the case are set out in detail in the Collector's office note at pp. 1-3- of 'A'. It will be seen therefrom that the orders issued by Government in G.O.1307 Food dated 6/12/47 cancelling all restrictions on the movement of jaggery with effect from 8-12-47 were communicated by the Collector of South Kanara to his subordinates only on 7-1-48. The two chowkidars who were on duty at Sheroor chowki post on 31/12/47 were therefore unaware of the fact that jaggery had been decontrolled with effect from 8/12/47 and therefore they seized the jaggery belonging to the plaintiff on 31/12/47. The seizure was therefore effected only in good faith. This point has been brought out in the draft written statement submitted by the Collector. Under section 16 of Essential Supplies (Temporary Powers) Act, 1946, no suit or legal proceedings will be against any person or the Crown for any thing done in good faith in pursuance of any order made under sec. 3 of the said Act. In view of this clause the suit filed against the Government cannot be maintained.

p.t.o.

And for this purpose, section 16 of the said Act read with section 17(2) will have to be invoked. The remarks of the Government Pleader Mangalore are p. 3 c.f. He is of the opinion that as it will be a difficult task for the Court to decide whether the plaintiff has come up with a false case against the Government to meet a charge of theft which has been filed against him or whether the chowkidars in question have come up with a false story and that unless the Government is able to prove substantially that the plaintiff has forcibly taken away the jaggery from the chowki post it may not be possible to successfully defend the suit. The Board however considers that in the circumstances reported by the Collector are sufficient to defend the suit successfully and have accordingly requested that the draft written statement submitted by the Collector may be approved and the defence of the suit may be sanctioned.

In view of what has been said above Legal Department may be requested in the first instance to advice whether the suit can be successfully defended and if so whether the draft written statement is in order. Finance may also see. For Orders.

To A.S

A copy of the Coll's letter dated 5.x.48 referred to by A.S. in the margin has been obtained from the Bd of Rev (cs) and is put up at p. 13 c.f. The Coll's letter has not met any of the points raised by the G.P in his letter copied at p. 3 c.f. Orders are in Draft on 'A' above.

LEGAL DEPARTMENT

It appears that the suit can be successfully defended on points of law arising in this case, though on facts it is difficult to say what the result would be. It would depend mainly on the facts that can be proved in the suit as observed by the Government pleader.

2. Paragraph 7 of the draft written statement may be recast as follows and the plea of good faith on th

ASSISTANT SECRETARY 25 OCT 1948 LEGAL DEPARTMENT

part of defendants 3 and 4 may be left to be raised by them-

"That this defendant duly communicated to all collectors without any delay whatever a copy of G.O.Ms.1307 (Food) dated 6.12.47 lifting the ban on movement of jaggery and is not responsible for the negligence on the part of its subordinates in communicating the orders to the chowkidars, defendants 3 and 4 herein."

The portion enclosed in brackets in pencil in paragraph 12 may also be omitted.

3. The reference to section 17 of the Defence of India Act in paragraph 12 should be replaced either by a reference to section 16 of the Essential Supplies (Temporary Powers) Act, 1946 (Central Act XXIV of 1946) or by a reference to the said section read with section 17 (2) of the same Act according as the order banning interprovincial movement of jaggery was issued under section 3 of Central Act XXIV of 1946 or under the Defence of India Rules.

4. Paragraph 14 may be recast as follows:-

"In any event this defendant is not liable for any improper acts of defendants 2 to 4 as such actions, if any, were not done under the express orders of this defendant and were not ratified or adopted by this defendant subsequently."

Legal u.o 1873/48
26/10/48

B
26.10.48

Food (4)

ADDITIONAL ASSISTANT SECRETARY
26 OCT 1948
47181
FOOD DEPARTMENT

To A.S.

Legal notes from page 2 above may be perused. Legal have stated that the suit can be sucessfully defended on points of law arising in this case though on facts it will be difficult to say what the result would be as pointed out by the Government Pleader in his letter copied at page 3 Cf. In the circumstances the defence of the suit may be sanctioned as recommended by the Board of Revenue (Civil Supplies). No remarks seem called for on the modifications suggested by Legal to draft written statement except the following:

P.T.O.

Para 2 of Legal Note on pages 2-3 above:-

The Gur Control Order, 1947 was issued by the Government of India in their Notification dated 4th August 1947, (regulating the transport of Gur except under permits) and was cancelled by the Government of India subsequently in their notification dated 8-12-1947. This later notification of the Government of India was republished in the For St, George Gazette in G.O.No.Ms.-1351 Food dated 22-12-1947, copies of which were communicated to all Collectors. This G.O. may therefore be substituted ~~from the para 7 of the draft statement~~ for the G.O. 1307 Food dated 6-12-1947 mentioned by Legal. For orders.

Para 3 of Legal notes on page 3 above:-

The Gur Control Order banning the movement of jaggery was issued by the Government of India under sections 3 and 4 of the Central Act XXIV of 1946- vide G.O.No.Ms. 1228 Food dated 4-11-1947. The Collector may therefore be told that the reference to section 17 of the Defence of India Act in para 12 of the draft written statement should be replaced by a reference to section 16 of the ESSENTIAL SUPPLIES(TEMPORARY POWERS) ACT 1946, Central Act XXIV of 1946.

Subject to orders a draft order is submitted for approval.- Legal may see again for scrutiny of the draft order. Finance may also see, ~~For orders.~~ acceptance.

29/10

Legal / Fin

Legal Dept

The slight alterations indicated in pencil in paragraph 2 (i) of the draft G.O. may be made

Food No 46470/B3/46-2

29x46

29.10

Food

Fin (R)

The draft order may be accepted subject to the slight amendments shown in pencil by Legal and the case may be returned to Food

Legal 4.0

128 21/48-1

AS

The facts of the case are briefly stated in the office note on p 1 above. The legal opinion is at X on p 2 ante. The draft order sanctioning the proposal of the Board to defend the suit has been scrutinised by legal and accepted by Finance. The alterations indicated in pencil on the draft by legal may be accepted and the draft may issue.

p 1 cf

p 4 ante

6M 1.11.48

LK 1.11.48

Yes mos 1/11/48 Secy.

p 15 cf

Issued as Ord 982 of 1.XI.48.

Jo.A.S

9/11. F.A.

The Records at flags (A), (B) and (BBB) may be returned to the Bd. A draft memo. is submitted for approval.

HA 3.XI.48

LK 4.11.48

S 3/11/48

p 17 cf

[Issued as Mem. 46470 of 4-3 of 4.11.48]

Board of Revenue (Civil Supplies)
Subject.

Suits (South Kanara) Coolapur - O.S.No.374-48 on the file of the District Munsiff - Coolapur.-.Transport of jaggery outside the District - Seizure of stocks - objection - Rent - Collector's letter - Recorded.

From

Sri. V.S. Hejmadi I. C. S.,
Commissioner of Civil Supplies

Sri. K.S. Prakasa Rao B.A.,
Joint Secretary to the Commissioner of Civil Supplies.

Read:-G.O.No.982 Food dated 1-11-48.
G.O.Ms.No.19 Legal dated 8-2-49.
From the Collector of South Kanara Ref.Spl.C.B. No.48-A3 dated 29-3-51.

Resolution (Misc.) 3|51 Dated 9.4.51.

R e c o r d e d.

For Joint Secretary.

To The Secretary to the Government, Food and Agriculture Department, Fort St.George, Madras. (with enclosure)

tbjj 1451.

P.T.O.

Copy of letter No. Spl.C.B.No.14/48-A3 dated 29-3-51 from the Collector of South Kanara to the Secretary to the Board of Revenue(CS) Chepauk, Madras.

Sub:- Suits - O.S.No.304/48 on the file of the District Munsiff Coondapur - Suit filed by Annappa Sheregara - Result - intimated.

Ref:- Board's Ref.No.C.3.134784/11-1948 d/12-9-50.

The above suit has been dismissed with costs against all the defendants.

sd/- - - - - - -
For Collr.

True Copy.

Submitted for perusal.
May be lodged and added to
bdr at (W). Fin and legal marginal A

Fin/Legal
F.I.A No 26723 F/51-1
23.4.51

SENIOR ASSISTANT ..... FINANCE DEPARTMENT
24 APR 1951
31036
GOVERNMENT OF MADRAS

Financial Secy

Maybe perused and passed on

to Legal.

25/4/51

25/4/51. Legal

Fin sec
31636 Vol-I
25.4.51

25/4/51

Seen in Legal.

27/4/51

ADS

ASSISTANT SECRETARY
7110
27 APR 1951
LEGAL DEPARTMENT

30379

Food & Agr

(F)

Fin. and Legal notes above may be perused. May be lodged and addee as already proposed at 'A' on p. 2 above.

ADDITIONAL ASSISTANT SECRETARY
28 APL 1951
FOOD AND AGRICULTURE DEPT.

Legal 7110/ST-1
27.4.51.

25/4/51

Financial Secy

Maydie perused and passed on

to Legal.

DR
25/4/51.

Legal

DR
25451

Fin Sec
31036 Sec-1
25.4.51

Seen in Legal.

KCulk
27/4/51

D/
ADS

ASSISTANT SECRETARY
7 N O
27 APR 1951
LEGAL DEPARTMENT

30379

Food & Agric (F).

Fin. and Legal notes above may be perused. May be lodged and addn as already proposed at 'A' on p.2 above.

ADDITIONAL ASSISTANT SECRETARY
28 APL 1951
FOOD AND AGRICULTURE DEPT.

Legalw 7110/57
27.4.51.

25/4/51